

# SUPREME COURT OF ARKANSAS

No. CR 07-29

DAVID EDWARD MOTES,

APPELLANT,

VS.

STATE OF ARKANSAS,

APPELLEE,

Opinion Delivered

MOTION TO WITHDRAW

DENIED.

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## PER CURIAM

Beverly C. Claunch, a full-time managing public defender for the Sixteenth Judicial District, moves this court for a second time to withdraw from representing the appellant. Ms. Claunch's first motion was denied as it did not state whether she is provided a state-funded secretary. *See Motes v. State*, \_\_\_ Ark. \_\_\_, \_\_\_ S.W.3d \_\_\_ (Jan. 25, 2007). This court instructed that Ms. Claunch could resubmit her motion, providing information about whether she is provided a state-funded secretary, in order for us to determine whether she qualifies for relief from appellant's representation. *See id.*

Since this court's decision in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000), in which we held that full-time, state-salaried public defenders were ineligible for compensation for their work on appeal, the General Assembly has changed the law. Act 1370 of 2001 provided, in part: "[P]ersons employed as full-time public defenders who are not provided a state funded secretary, may also seek compensation for appellate work from the Arkansas

Supreme Court or the Arkansas Court of Appeals.” Act 1370 of 2001, § 1 (codified at Ark. Code Ann. § 19-4-1604(b)(2)(B) (Supp. 2005).

Ms. Claunch’s most recent motion reveals that she is not provided a state-funded secretary. Because Ms. Claunch may be compensated for her work, we deny her motion to withdraw as counsel.

Denied.